



# United States Department of the Interior BUREAU OF LAND MANAGEMENT

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Information Bulletin No. **CA-2013-003**

To: All CA BLM District and Field Managers

From: Deputy State Director, Natural Resources

Subject: Management of BLM-held Water Rights in California

**Program Area:** Soil, Water and Air

**Purpose:** This Information Bulletin (IB) serves as a reminder to BLM District and Field Managers to proactively manage their water rights programs to ensure appropriated and claimed water is being put to beneficial use and will not be revoked due to nonuse or noncompliance with state permitting and reporting requirements. In addition, this IB informs BLM managers of changes to the California Water Code that requires measurement of monthly water diversions for those who file Statements of Water Diversion and Use.

**Background:** It is BLM policy to acquire, perfect, protect and use water rights necessary to carry out public land management purposes under state law, unless a Federal reserved water right is otherwise available and a determination is made that the primary purpose of the public reservation can be served more effectively through assertion of that federal right (BLM Manual 7250.02D). Water rights are generally exercised through development and use of a Point of Diversion (POD), where water is removed from a surface water source through direct diversion or pumping. Currently the California State Water Resources Control Board (SWRCB) has 2,528 PODs attributed to BLM ownership. The following table identifies the type of water right and its associated reporting requirement.

BLM California Water Right Type and Status Summary			
Type	Status	Number	Reporting Requirement
Appropriated	Licensed	323	Annual Reporting
	Permitted	62	Annual Reporting
	Revoked	6	No Reporting
	Cancelled	1	No reporting
Federal Filing	Claimed	180	No Reporting at this time
Statement of Diversion and Use	Claimed	1545	Tri-Annual Reporting
	Inactive	17	No Reporting
Stockpond	Certified	354	No Reporting
	Pending	18	No Reporting
Statement of Diversion and Use	Unknown	15	Records need to be researched and confirmed
Appropriated	Unknown	7	Records need to be researched and confirmed
Total		2528	

Review of these PODs is very important to the development and maintenance of your water rights program for several reasons. First, 1,930 PODs have a mandatory annual or triennial reporting requirement to the SWRCB. Of these, due to an amendment to the California Water Code (CWC) Section 5103, 1,545 PODs now have a requirement to measure monthly water diversion using best available technologies. This measurement and reporting requirement is to provide formal documentation that the water right holder is putting their water right to beneficial use. Second, many of these PODs that identify the BLM as the water right holder may be in error. By reviewing your water rights files, you may be able to reduce the number of PODs held by your office and subsequently reduce your maintenance and reporting workloads. Third, your review will provide insight on areas that do not have water appropriated or claimed, and can provide you the opportunity to make claims or file for an appropriated right with the SWRCB. As demands for water continue to increase and water availability becomes more variable as a result of climate change, your office should ensure adequate water resources will be available to meet present and planned future Bureau programs.

The 1,545 PODs affected by CWC Section 5103 are claimed Statements of Diversion and Use (Statements), and there is guidance from the SWRCB on their website on how to comply with the flow measurement requirement (see: [Section 5103 Guidance](#)). Given the large number of Statements held by BLM, it is highly unlikely that all of these PODs can or will be outfitted with required measurement devices. A measurement device is not required if the Statement holder provides the SWRCB documentation demonstrating that the implementation of those practices is not locally cost effective. The Statement holder must explain why that conclusion was reached and describe the alternative measuring methods used in lieu of measuring devices. The SWRCB has updated their online reporting form to provide this information. Examples of alternative measurement methods are posted on the SWRCB website. If none of the examples reflect conditions at the BLM held POD because the BLM POD is for instream uses only, check “Other” in Section 3(f) and enter the following text in the text box: “Point of Diversion establishes a point for a claim for instream channel maintenance purposes and therefore a water measurement device is economically impractical.” For Section 3 (g), check the “Other” category

and enter the following text: “The flow amount claimed is based on local channel geometry and riparian vegetation condition.” The following table identifies the number of Statements on file with each field office.

Field Office	Number of Statements of Diversion and Use
Alturas	79
Arcata	1
Eagle Lake	20
Redding	18
Surprise	0
Ukiah	145
Bakersfield	794
Bishop	296
Mother Lode	9
Hollister	77
Ridgecrest	24
Palm Springs	6
El Centro	26
Barstow	35
Needles	14

To facilitate District and Field Office review of BLM respective PODs, the California State Office of Geographic Services has created a shape file with all PODs in the SWRCB’s records as of April 2012. That layer can be found at: [CABLM PODS](#). POD attribute information has also been generated, and is in excel spreadsheet form and can be found on the SWARF sharepoint site here: [SWARF](#). Note, at this time, this information only exists for water rights in California; water rights for California BLM administered lands in Nevada have not yet been spatially defined in a similar product.

**Policy/Action:** BLM policy in 7250 requires cooperation with State Governments, conformance to applicable State water rights laws, protection of existing water rights, and acquiring and/or perfecting water rights. District and Field Managers are directed to update their inventories of existing PODs and use this information to: 1) inform the SWRCB of incorrect assignment of the POD to the BLM and remove them from BLM’s record; 2) determine if maintenance is needed on any diversion structure and establish a priority and schedule for performing that maintenance; 3) determine whether or not some or all Statements of Diversion and Use can be fitted with flow measurement devices and 4) use all water rights information to accurately report on water use for the SWRCB mandatory annual or triennial reporting requirements (see IB2010-010 for background information on online reporting). Proactive management of a water rights program demonstrates positive performance that will be weighted in the performance-based allocation criteria in the revised L1010 Budget Allocation Model (BAM).

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